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Bernadette B. Fahey
Bernadette B. Fahey

April 25, 2002
Date

Att. Docket No. REG 142-C



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

Vivien W. Wong et al

RECEIVED

USSN:

09/577,468

MAY 10 2002

Filed:

May 24, 2000

TECH CENTER 1600/2900

For:

Modified Ciliary Neurotrophic Factor, Method of
Making and Methods of Use Thereof

**COPY OF PAPERS
ORIGINALLY FILED**

Commissioner of Patents
U.S. Patent and Trademark Office
Washington, D.C. 200231

April 25, 2002

RESPONSE TO THE MARCH 25, 2002, RESTRICTION REQUIREMENT

This paper is submitted in connection with the above-identified U.S. Patent Application and is responsive to the Restriction Requirement that was mailed by the United States Patent and Trademark Office on March 25, 2002. A response to the March 25, 2002, Restriction Requirement is due on April 25, 2002, and as such this response is being timely filed.

Detailed Response

Disposition of the Claims

Claims 1-22 are currently pending in the application and are the subject of a Restriction Requirement.

Att. Docket No. REG-2-C
USSN 09/577,468
Filed May 24, 2000
Response to the March 25, 2002,
Restriction Requirement

Restriction

The Examiner has taken the position that the subject application contains five separate inventions or groups of inventions and has required restriction to one of those groups under 35 USC §121. The Examiner has identified these groups as Groups I-V as follows: Group I, consisting of claims 1-3 (each in part), 12, 18 (in part) and 20-22 (Each in part), drawn to methods of inducing weight loss or preventing/treating diabetes by administering AX-15. Group II, consisting of claims 1-3 (each in part), 12, 18 (in part) and 20-22 (each in part), drawn to methods of inducing weight loss or preventing/treating diabetes by administering AX-2. Group III, consisting of claims 14 (in part), 15 (in part) and 16, drawn to compositions comprising AX-15. Group IV, consisting of claims 14 (in part), 15 (in part) and 17, drawn to compositions comprising AX-13. And Group V consisting of claims 18 – 20 (in part) and 22 (in part), drawn to methods of treating a neurodegenerative disorder comprising administering CNTF.

Election

Applicants hereby provisionally elect Group I, consisting of claims 1-3 (each in part), 12, 18 (in part) and 20-22 (each in part), drawn to methods of inducing weight loss or preventing/treating diabetes by administering AX-15, and respectfully traverse the Restriction Requirement as follows.

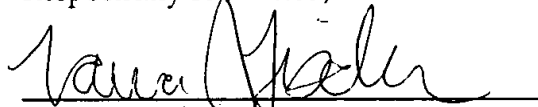
With respect to Groups II - V, Applicants contend that it would not be a serious burden on the Examiner to search the Groups together. A search of the literature for the methods of Group I would be nearly identical to the search performed for Groups II -V as each group shares the limitation of nasal or respiratory administration of a CNTF, therefore, would necessarily turn up references relevant to both groups. Applicants respectfully contend that restriction of claims 1-22 into five Groups is not proper and request that the Examiner reconsider and withdraw the Restriction Requirement. Applicants believe that because all of the claims are so closely related, they should remain in the same application to preserve unity.

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Applicants reserve the right to file a divisional application for the claimed subject matter of Groups II-V and do not waive any rights or abandon any subject matter in the non-elected claims.

No fee is deemed necessary in connection with filing this paper. However, if any fee is necessary, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 18-0650.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura J. Fischer", is written over a horizontal line.

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